

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEXANDER MUN, *et al.*,

Plaintiffs,

v.

FIRST FINANCIAL INSURANCE CO., *et al.*,

Defendants.

Case No. C05-2098RSL

ORDER DENYING MOTION
FOR RECONSIDERATION

This matter comes before the Court on plaintiffs' motion for reconsideration of the Court's December 20, 2006 order holding that plaintiffs were not the real parties in interest and granting defendant's motion for summary judgment. Now that summary judgment has been granted and the case closed, plaintiffs seek leave to join American States Insurance Company ("ASIC"). Plaintiffs should have sought that relief earlier, and their failure to do so reflects strategic behavior. Furthermore, plaintiffs have not shown manifest error in the prior ruling or shown new facts or legal authority which could not have been brought to the Court's attention earlier with reasonable diligence.

Accordingly, plaintiffs' motion for reconsideration (Dkt. #40) is DENIED.

In its response to the motion for reconsideration, defendant stated that although it

1 opposed joining ASIC, it would not be opposed to allowing plaintiffs to substitute ASIC. It
2 appears based on the current record that ASIC is the real party in interest. Therefore, the parties
3 may, within 20 days of the date of this order, file a stipulation and proposed order to reopen the
4 case and substitute ASIC. If the Court signs the stipulation, ASIC will be required to file an
5 amended complaint within 20 days thereafter. The amended complaint should not include as
6 plaintiffs Alexander Mun and Jason Mun doing business as Professional Home Builders and
7 Professional Homebuilders, LLC ("PHB") because the Court has dismissed PHB's claims with
8 prejudice. After amended pleadings are filed, the Court may order a Rule 26(f) conference,
9 exchange of initial disclosures, and submission of a joint status report prior to issuing a new case
10 schedule.

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12 DATED this 19th day of January, 2007.

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15 Robert S. Lasnik
16 United States District Judge
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